

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Criminal Action

Plaintiff,

Criminal No.: 09-237 (SRC)

v.

STEPHEN ANTHONY FAVATO,

CONTINUANCE AND SCHEDULING
ORDER

Defendants.

This matter having been opened to the Court on the application of defendant Stephen A. Favato, by his counsel, Alan L. Zegas, Esq., for an order extending time to file pretrial motions, and the Court having considered the arguments of counsel; and the charges being the result of a lengthy investigation, and the defendant and his counsel needing additional time to review discovery, and to investigate the charges and file motions in this case; and the defendant needing sufficient time to review voluminous documents; and John A. DiCicco, Acting Assistant Attorney General, U.S. Department of Justice, Tax Division (Trial Attorneys Patrick J. Murray and Darren H. Firestone, appearing) having consented to defendant's application, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. The Indictment in this case involves allegations of violations that occurred over a period of four years.
2. The documents and recordings in this case are voluminous; numerous documents and recordings were obtained during the course of the investigation. The

discovery in this case includes multiple recordings of conversations between the defendant and a confidential informant, extensive tax and audit files from the defendant's accounting firm, and bank records from several bank accounts.

3. The defendant and his counsel need time to review and analyze discovery in this case before the filing of pretrial motions.

4. The grant of a continuance will enable the defendant to adequately review the discovery, prepare motions, and proceed with trial.

5. Pursuant to Title 18 of the United States Code, Section 3161(h)(7), the ends of justice are served by granting the continuance and they outweigh the best interests of the public and the defendant in a speedy trial.

WHEREFORE, it is on this ___ day of February 2010 ORDERED that the proceedings in the above-captioned case are continued from and including February 12, 2010 (the date upon which pretrial motions were last due), to and including April 19, 2010;


IT IS FURTHER ORDERED that the period from and including February 12, 2010, to and including April 19, 2010 shall be excludable in computing time under the Speedy Trial Act of 1974;

IT IS FURTHER ORDERED that defendant shall file motions no later than **February 26, 2010**,

IT IS FURTHER ORDERED that the United States shall file its opposition to the defendant's motions no later than **March 19, 2010**;

IT IS FURTHER ORDERED that the motions are returnable and a hearing will be held on or about **March 26, 2010** at 10 a.m.; and

IT IS FURTHER ORDERED that jury selection and trial will commence on **April 19, 2010**, or on a date thereafter determined by the Court.



HON. STANLEY. R CHESLER
United States District Judge

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February 9, 2010

The Honorable Stanley R. Chesler, U.S.D.J.
Attn: Theresa Trivino
Frank R. Lautenberg U.S. P.O. & Courthouse
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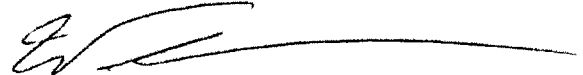
Via E-File

Re: **United States v. Favato**
Criminal No.: 09-237
Proposed continuance and scheduling order enclosed

Dear Ms. Trivino:

Per our previous phone conversation, enclosed please find a proposed continuance and scheduling order in the above matter, which reflects Defendant's request for a two-week extension of time to file pretrial motions. As noted in the enclosed order, the Government has consented to Defendant's request. If you have any questions concerning the enclosed order or require further information please contact me.

Very truly yours,
Law Offices of Alan L. Zegas



By: William Nossen

Cc: Daren Firestone, D.A.G.